

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:15CR335 CDP
	)	
DWANE TAYLOR,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on defendant Dwane Taylor's motion to dismiss Counts I – IV of the superseding indictment. Taylor's motions to suppress remain pending before the Magistrate Judge and are not considered by this order.

Defendant Taylor argues that the superseding indictment should be dismissed because the government failed to present sufficient evidence before the grand jury. Pursuant to 28 U.S.C. § 636(b), all pretrial motions were referred to United States Magistrate Judge David D. Noce. Judge Noce entered a Report and Recommendation, which recommended that the motion be denied. Defendant filed a timely objection to that recommendation.


I have conducted *de novo* review of this purely legal issue, and have fully considered all briefs on the motion, the Report and Recommendation, and the

defendant's objection to that Report and Recommendation. There is no legal basis to dismiss the indictment. "It is well settled that an indictment returned by a legally established and unbiased grand jury 'is not subject to challenge on the ground that the grand jury acted on the basis of inadequate or incompetent evidence.'" *United States v. Roach*, 28 F.3d 729, 739 (8th Cir. 1994), *quoting United States v. Calandra*, 414 U.S. 338, 345 (1974). Defendant's attempts to distinguish this well-established rule of law fail.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [153] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that defendant's motion to dismiss [90] is denied.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 21st day of February, 2017.